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REGULAR MEETING OF
DECEMBER 4, 2018
IN THE ERMA L. HENDERSON AUDITORIUM
ON THE 13TH FLOOR

DOCKET

- I. OPENING:**
 - A. CALL TO ORDER.....9:00 A.M.**
 - B. ROLL CALL.....**
- II. PROCEDURAL MATTERS**
- III. MINUTES:**
 - A. APPROVAL OF MINUTES: November 27, 2018**
- IV. COMMUNICATIONS:**
- V. MISCELLANEOUS BUSINESS:**
- VI. PUBLIC HEARINGS:**

9:15 a.m. CASE NO.: 51-18
APPLICANT: THE DETROIT MEDIA GROUP, LLC
LOCATION: 10 Witherell St. Between: Woodward Ave. and Broadway St. in a B5-H Zone (Major Business District-Historic) – Council District #6

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 22 PLAT OF SEC 7 GOVERNOR & JUDGES PLAN L34 P544 DEEDS, W C R 1/9 62.16 IRREG

PROPOSAL: The Detroit Media Group, LLC request to overcome the presumption abandonment to erect a 13,875 square foot changeable sign copy advertising sign at 10 Witherell approved in BZA Case 83-04 and BSEED issued a permit for such signage February 10, 2006 in a B5- H zone (Major Business District – Historic). This case is appealed because once abandoned, a nonconforming use shall not be re-established or resumed, except in accordance with the provisions of Sec. 61-15-18 of this Code. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the district where it is located and all other applicable requirements of this Zoning Ordinance. On December 12, 2017, the Detroit Media Group applied to BSEED for a permit to erect a 5,980 square foot advertising sign at 10 Witherell, and on June 13 2018, DMG petitioned the BZA to the same effect. BSEED’s review of DMG’s application and supporting documentation, as well as of its own permitting records, has revealed the following: 1. The petitioner in BZA Case 83-04 failed to timely secure the necessary permitting by July 1, 2005, 2. No advertising has been posted at 10 Witherell since 2012, 3. No application for annual sign licensing to operate advertising signage has been received by BSEED since 2014, 4. Wall anchors, lighting and other necessary structural elements have not been maintained and 5. The art mural depicting whales and other sea life has been maintained at 10 Witherell in place of any advertising signage, furthermore a recent inspection of the building exterior conducted on August 8, 2018 confirmed that no advertising signage or supporting infrastructure is currently erected, therefore under Section 61-15-21 of the Detroit Zoning Ordinance, these findings constitute evidence of abandonment of the advertising sign use of 10 Witherell, and based on its review BSEED has determined that the use of 10 Witherell for advertising signage is PRESUMED TO HAVE BEEN ABANDONED. (Sections 61-15-21 Loss of nonconformity status; abandonment and 61-15-21 (#3 Overcoming Presumption of Abandonment) - Loss of nonconformity status; abandonment).AP

This Meeting is open to all members of the public under Michigan’s Open Meetings Act

10:45 a.m.

CASE NO.:	73-16 (aka BSEED 38-16) – REMANDED BACK BY CIRCUIT COURT
APPLICANT:	AVEN MEIOU / HELLO WELLNESS
LOCATION:	18207 W. Eight Mile Rd. Between: Ashton Ave. and Rosemont Ave. in a B4 Zone (General business District). – Council District #2
LEGAL DESCRIPTION OF PROPERTY:	THE WEST 10 FEET OF LOT 8, ALL OF LOTS 9-10 AND THE EAST 10 FEET OF LOT 11, SOUTHFIELD GATE SUBDIVISION, LIBER 63, PAGE 60, PLATS, W.C.R. 60 X 90 (PIN 22018884-5)
PROPOSAL:	Ayen Meiou / Hello Wellness requests a Variance of Spacing / Locational Regulation <u>TO</u> establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 2,400 square foot portion of an existing approximate 3,600 square foot building <u>APPROVED</u> in (BSEED 38-16) in a B4 zone (General Business District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet from one (1) other Controlled Use located at 18245 W. Eight Mile Rd. (Northland Party Store - 109 radial feet away) Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation, <u>61-12-95 Waiver of General Spacing Requirements</u> and <u>61-4-81 Approval Criteria</u>).AP

VII. PUBLIC COMMENT / NEW BUSINESS
Next Hearing Date: December 11, 2018

VIII. ADVISEMENTS / OLD BUSINESS
CLOSED SESSION IMMEDIATELY FOLLOWING HEARING

IX. MEETING ADJOURNED